

# Aboriginal Heritage Management – Operations Framework

## Thunderbird Project - Commissioning and Mining Operations Phases

### 1. Introduction

Sheffield Resources Ltd (Sheffield) recognises that protecting culture and heritage is of profound importance to Aboriginal communities in the west Kimberley. This is why Sheffield has engaged so thoroughly with Aboriginal people over the last five years to build an in-depth understanding of the cultural values and sites within the vicinity of the Thunderbird mining operations area.

This Operations Framework (Framework) document provides further detail of the measures and controls that Sheffield will implement to ensure that Aboriginal cultural heritage is managed appropriately through the construction and operational phases of the Thunderbird Project. A range of operational procedures and protocols will provide a practical reference point and the necessary guidance for Sheffield's staff and contractors to ensure that effective heritage management outcomes are achieved.

Sheffield intends to employ Aboriginal Cultural Heritage Rangers for the duration of mining operations. The primary role of the Rangers will be to assist the operation meet its cultural heritage compliance obligations, and to provide practical 'hands-on' advice if any new sites and or cultural material is discovered during the commissioning and operations phases of the project. Rangers will carry out inspections of culturally significant areas outside of the mining operations area to ensure that preservation objectives are being achieved.

The Framework is consistent with the cultural heritage management protocols developed between Sheffield and the traditional owners over five years of field work exploration with their cultural advice and supervision.

### 2. Objectives

The Framework objectives are designed to ensure that:

- Aboriginal sites and culturally important environmental places that lie within the vicinity of the mining operations area are properly respected and protected;
- all staff, contractors and visitors to the mining operations area understand the systems and processes for ensuring heritage protection;
- good decisions are made relating to any new discoveries of cultural material; and
- compliance with the State and Commonwealth laws relating to Aboriginal heritage sites is achieved.

### 3. Scope

This Framework applies to all areas of land being used or proposed for use by Sheffield Resources at the Thunderbird project.

### 4. Regulatory Requirements

State and Commonwealth legislation applies to Aboriginal cultural heritage protection. The relevant State law is the *Aboriginal Heritage Act 1972* (AH Act) and the *Aboriginal Heritage Regulations 1974* and the Commonwealth law is the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

The AH Act provides protection for all Aboriginal sites and objects whether or not they are recorded on the State's Register of Aboriginal Sites.

## 5. Aboriginal Heritage Management Procedures

The operations framework procedures (OFP) are designed to meet the framework objectives by regulating behaviours of staff, contractors and visitors to the operations area, in order to ensure that the identified cultural heritage is respected and preserved, and that risks are appropriately managed. They include:

- OFP1 Operating in Proximity to a Buffer Zone
- OFP2 New Discovery of Cultural Material
- OFP3 Discovery of Ancestral Remains
- OFP4 Unintentional Disturbance of Heritage Sites or Cultural Material
- OFP5 Knowledge of the Aboriginal Heritage Requirements

## 6. User feedback

User feedback will be received through an annual Cultural Heritage Management user feedback meeting. Staff, contractors and traditional owners are encouraged to provide feedback on the effectiveness of the Framework.

## 7. Assurance

Sheffield Resources will conduct an annual review of compliance with and the operational effectiveness of this framework. The outcome of these reviews will be reported to the Sheffield Resources Board.

# OF1 Operating in Proximity to a Buffer Zone

## Objective

To ensure that the system of buffer zones is adhered to.

## Considerations

Traditional owners have identified important cultural places in proximity to the mining operations area. Sheffield is using buffer zones as a mechanism to assist in preserving these places during its mining operations. For the buffer zone regime to be effective, it is imperative that staff, contractors and visitors are aware of the existence of the buffer boundaries and the intended purpose. The buffer zones will be managed through a GIS.

The use of buffer zones is not a regulatory requirement. The AH Act protects sites of importance and significance. It is the site boundary that is protected and not the buffer zone. Encroachment in to the buffer zone does not constitute a breach of any State or Commonwealth regulation. Nevertheless, unplanned or accidental incursion into a buffer zone could result in inadvertent damage being caused to a site. The following protocols are designed to raise the consciousness of buffers zones.

## Protocol

1. Identification of buffer zones will be implemented using flags, tape, signage and other physical markers.
2. Geospatial notifications will be utilised to alert staff and contractors when they are operating close to a buffer zone.
3. Operational maps will clearly identify buffer zones.
4. The mine site induction program will detail rules and staff and contractor obligations when operating in proximity to the buffer zones.
5. Operating in the buffer zones will be by exception and by agreement, and where it can be demonstrated that Aboriginal sites or culturally important places are not threatened.

## OF2 New Discovery of Cultural Material

### Objective

To ensure that the new discovery of cultural material is effectively managed and ultimately preserved.

### Considerations

While the traditional owners have surveyed the mining operations area and identified culturally important and significant places within its proximity, it is possible that undiscovered cultural material may be discovered during the commissioning and mining operations phases of the Thunderbird project.

The discovery of cultural heritage material does not always mean that the place where it is found is an Aboriginal heritage site capable of protection under the various legislation. Consultation with the Cultural Heritage Rangers is required when any discoveries are made. Depending on the type of cultural material found, an assessment may be required by a suitable qualified and experienced archaeologist.

### Protocol

The following steps must be taken upon the discovery of cultural material:

1. Cease work and notify site supervisor.
2. The Site Supervisor will implement an adequate buffer to ensure the cultural material is stabilised and not disturbed while enquiries are being made.
3. Initiate discussion with the Cultural Heritage Rangers as soon as possible to understand the importance and significance of the cultural material.
4. If the Cultural Heritage Rangers determine that the discovered material is an isolated artefact with no cultural significance, then it should be moved to a safe keeping place consistent with the Cultural Heritage Management Plan (CHMP) agreed with the traditional owners. Work can recommence at this point.
5. If the cultural material is of significance and may constitute an Aboriginal heritage site and can be avoided by the operations, then the buffer should be clearly identified with physical markers and work can recommence.
6. The location of the site will be entered into Sheffield GIS database to alert staff and contractors to its existence.
7. Pursuant to s.15 of the *Aboriginal Heritage Act 1972 (AHA)*, the site will be recorded and reported to the Registrar of Aboriginal Sites following consultation with the traditional owners.
8. If the site cannot be avoided by the mining operations, then the necessary regulatory approvals will be sought following consultation with traditional owners.
9. Work will recommence in the area of where the cultural material was discovered only when a regulatory approval has been granted.

# OF3 Discovery of Ancestral Remains

## Objective

To effectively and respectfully manage the suspected discovery of human skeletal remains.

## Considerations

Suspected human skeletal remains may be of interest to the Police. It is imperative that the site of the remains not be interfered with without consent from the Police or any other relevant regulatory authority.

Aboriginal skeletal and or ancestral remains are of great significance to Aboriginal people. If a burial or human skeletal remains are found during ground disturbance activity, the following actions will be taken.

## Protocol

1. Cease activity and notify Site Supervisor and the Aboriginal Cultural Heritage Rangers.
2. No one is to handle or attempt to recover the remains.
3. Supervisor will implement an adequate buffer to ensure the remains are stabilised, and not disturbed, while enquiries are made.
4. Notify the local Police, the Native Title Group and the Registrar of Aboriginal Sites.
5. Record the location of the remains on the Sheffield GIS database to alert staff and contractors to its existence.
6. Work can recommence at an appropriate distance from the location of the discovery following consultation with the Police, Native Title Group and Registrar of Aboriginal Sites.
7. If the State Coroner's office determine that the remains are of Aboriginal origin and does not constitute a crime scene, then Sheffield will request the involvement of the Native Title Group to develop a plan for the remains.
8. A number of options will be considered during the development of the plan including:
  - a. Leaving the remains *in situ* if disturbance has been minimal and the location can be avoided by the operations;
  - b. Rebury as close as possible to the location where there is no risk of future disturbance;
  - c. Rebury in a gazetted cemetery or keeping place if disturbance in the area is unavoidable.
9. Following removal of the remains and where the site cannot be avoided by the mining operations, then the necessary approvals will be sought from the Registrar of Aboriginal Sites following consultation with traditional owners.

# OF4 Unintentional Disturbance of Heritage Sites or Cultural Material

## Objective

To effectively and appropriately manage the unintentional disturbance of a heritage site or cultural material to the satisfaction of stakeholders.

## Considerations

In the highly unlikely event that there is an alleged disturbance of an Aboriginal heritage site associated with Sheffield's operations, an incident reporting procedure is required that results in both a transparent investigation and a satisfactory resolution.

Disturbing an Aboriginal site or object is an offence against section 17 of the AH Act and may lead to prosecution.

In the case of disturbance by an individual, penalties comprise fines up to \$20,000 to \$40,000 for a second offence and imprisonment for nine months to two years and a daily penalty of \$400.

A disturbance by a body corporate may result in penalties that comprise fines up to \$50,000 to \$100,000 for a second offence and a daily penalty of \$1,000.

## Protocol

1. Cease ground disturbing activity and report to the Site Supervisor.
2. An incident report will be prepared in consultation with the person who reported the incident and seek to establish the cause of the disturbance.
3. An internal investigation will be initiated. This will include the collection of evidence (photographs and statements).
4. Consultation with traditional owners will seek to establish if damage has been sustained to the site or the cultural material.
5. No attempt should be made to correct the impact without authorisation from the Cultural Heritage Rangers.
6. Following consultation with traditional owners Sheffield will report the incident to the Registrar of Aboriginal Sites.
7. The findings of the internal investigation will be used to inform improvements to systems and processes.

# OF5 Knowledge of the Aboriginal Heritage Requirements

## Objective

That staff and contractors are aware and fully informed about the regulatory requirements and their personal obligations in relation to cultural heritage.

## Considerations

The mining operations area is located in proximity to culturally important places that Aboriginal people hold in very high regard. It is important that staff and contractors know and understand the heritage considerations at the Thunderbird project.

The native title agreement will have provisions for governing the management of cultural heritage.

The AH Act confers obligations on Sheffield's staff and contractors who are involved with field operations. Compliance risks can arise where their work intersects with Aboriginal heritage requirements. A practical understanding of the Aboriginal heritage helps to manage the risk of offending cultural heritage.

## Protocol

1. Every member of staff and contractor will undergo an Aboriginal Cultural Heritage Induction Program that will include the provision of the following information:
  - a. an overview of the regulatory requirements.
  - b. an overview of the cultural heritage of the area and the approximate locations of culturally important places that should be avoided. The actual locations will not be disclosed due to confidentiality reasons.
  - c. details of the important roles and responsibilities of the Aboriginal Cultural Heritage Rangers
  - d. providing and explaining the operation's cultural heritage policy, commitments and Operations Framework procedures
  - e. The operational measures contained within the Cultural Heritage Management Plan (CHMP)
2. All staff will receive cultural awareness training provided by the traditional owners to familiarise employees about the local cultural beliefs.
3. Sheffield will maintain appropriate systems to ensure employees and contractors are equipped to comply with the AH Act, for example geospatial information regarding the location of buffers.
4. A Register of Cultural Heritage Requirements will be maintained by Sheffield and be made available to staff and contractors for information.